IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 437 of 2007 (M/S)

1. Niyamat Ali,
2. Riyasat Ali,
3. Basat Ali,
4. Gulzar Ali,
5. Yamin Ali,
6. Sadik Ali,
7. Sajit Ali,
8. Jaffar Ahmad, all sonsof late Sri Alladin, R/O Village Dhaki P.O. Sahaspur, Pargana Parwadoon Dehradun.
9. Smt. Shamila Begum W/O Late Sh. Alladin, R/O village Dhaki, P.O. Sahaspur, Pargana Parwadoon, Dehradun.

..... Petitioners.

Versus

1. Additional District & Session Judge/FTC III Dehradun.
2. Smt. Jarina Begum W/O Sri Jahid Hussain, R/O Village Dhaki P.O.Sahaspur, Pargana Parwadoon Dehradun.
3. Smt. Leela Devi W/O Sri Bhoju, R/O Village Dhaki, Pargana Parwadoon, District Dehradun.

….. Respondents.

Sri L.K.Tiwari, learned counsel for the petitioners.
Sri Gopal Narain Srivastava, Brief Holder for the State-respondent no.1.

Dated May 15, 2007.

Hon'ble B.S.Verma, J.

The only prayer made by the petitioners in the present writ petition is that the respondent no.1 be directed to dispose of the Civil Appeal No. 94 of 2005 Smt. Zarina Begum and others Vs. Riyasat Ali and others, expeditiously.

According to the petitioners, late Sri Alladin filed a suit for specific performance against Sri Dhani Ram in the year 1992, which was registered as O.S. No. 110 of 1992 and the same was decreed by the trial court vide judgment and decree dated 22-11-2005. Petitioners are the legal heirs of the original plaintiff Alladin. Aggrieved, the respondent nos. 2 and 3 filed a Civil Appeal No. 94 of 2005 in the month of December 2005. The respondents, who are appellants before the respondent no.1, are not

interested in the expeditious decision of the appeal and they are adopting dilatory tactics to prolong the litigation so as to harass the petitioners. A copy of the entire order-sheet of the appeal has been annexed as Annexure No.2 to the writ petition.

In the facts and circumstances, without going into the merits of the case, the respondent no. 1 is directed to decide the Civil Appeal No. 94 of 2005 Smt. Zarina Begum and others Vs. Riyasat Ali and others, expeditiously, in accordance with law, as far as possible.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S. Verma, J.)

RCP